Congress Ascending

Watergate Seen Restoring Balance Between Executive and Capitol Hill

By JAMES M. NAUGHTON
Special to The New York Times

WASHINGTON, May 11—The White House is slipping and Congress is rising as the balance of power in Washington is being altered perceptibly by the Watergate conspiracy case. For the first time in six years, the House of Representatives went on record yesterday, by a vote of 219 to 188, in opposition to White House policies in Indochina. For the second time in five weeks, the Senate declared yesterday, 66 to 24, that the White House was obligated to adhere to the directions of Congress on government spending.

News Analysis

"Both houses are beginning to see eye to eye on Congressional responsibility," the Senate Democratic leader, Mike Mansfield, said today in an interview.

A senior associate of President Nixon predicted privately today that the White House and the Nixon Cabinet would abandon their attitude of disregard for those on Capitol Hill and become, in the official's words, "more receptive" to Congressional viewpoints.

The change is only beginning to be visible. Much of it is atmospheric. It remains for Congress, long a slumbering giant, to take steps to "even the balance," as Mr. Mansfield put it, but he and others are becoming

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CONNALLY TO TAKE LEAVE FROM FIRM

New Adviser to President Will Also Resign From All Corporate Boards

By JOHN HERBERS
Special to The New York Times

WASHINGTON, May 11—John B. Connally announced today that he would take a leave of absence from his law firm and resign from all corporate boards during the time he will serve as special adviser to President Nixon.

Mr. Connally's announcement, issued by his office in Houston, came after disclosure that the firm in which he is a senior partner is representing the Gulf Resources and Chemical Corporation, now under investigation by a Federal grand jury in connection with campaign contributions sent to the Committee for the Re-election of the President. The disclosure was made today in Newsday and other newspapers.

"I am today taking a leave of absence from my law firm for the period during which I will serve as a special adviser to the President," said the former Secretary of the Treasury and former Texas Governor.

"I am also resigning from all corporate boards on which I serve," he continued. "Notwithstanding that my service will be on an intermittent and voluntary basis and without any operational role, I will not engage in any legal practice nor participate in any dividends or revenues or as a partner of the firm during this advisory period."

Mr. Connally made no refer-

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NEW TRIAL BARRED

But Decision Does Not Solve Constitutional Issues in Case

By MARTIN ARNOLD
Special to The New York Times

LOS ANGELES, May 11—Citing what he called "improper Government conduct shielded so long from public view" the judge in the Pentagon papers trial dismissed today all charges against Dr. Daniel Ellsberg and Anthony J. Russo Jr.

And he made it clear in his ruling that the two men would not be tried again on charges

Text of wiretap memorandum is printed on Page 14.

of stealing and copying the Pentagon papers by saying that he was dismissing the charges "with prejudice."

"The conduct of the Government has placed this case in such a posture it precludes the fair and dispassionate consideration of issues by the jury," he said.

David R. Nissen, the chief prosecutor, said, "It appears that the posture is such that no appeal will be possible."

Defendants Not Vindicated

But the decision by United States District Court Judge William Matthew Byrne Jr. did not vindicate the defendants; it chastised the Government. Nor did it resolve the important constitutional issues that the case had raised.

The end of the trial, on its 89th day, was dramatic. The courtroom was jammed; the jury box was filled with news reporters; defense workers in the Ellsberg-Russo cause, mostly young people, sat in chairs lining the courtroom wall.

Dr. Ellsberg and Mr. Russo, surrounded by their lawyers, stared intently as Judge Byrne quickly read his ruling.

The Government's action in this case, he said, "offended a sense of justice," and so "I have decided to declare a mistrial and grant the motion for dismissal." The time was 2:07 P.M.

The courtroom erupted in loud cheering and clapping. The judge, barely hiding a smile,

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Gray, Subpoenaed in Capital, Talks to Federal Prosecutors on Watergate Case

4 Burglars Get Immunity For Testimony in Senate

By ANTHONY RIPLEY
Special to The New York Times

WASHINGTON, May 11 — L. Patrick Gray, 3d, who resigned as acting director of the Federal Bureau of Investigation in the wake of the Watergate scandals, spent today talking to Federal prosecutors, but it was unclear whether or not he appeared briefly before the grand jury investigating the case.

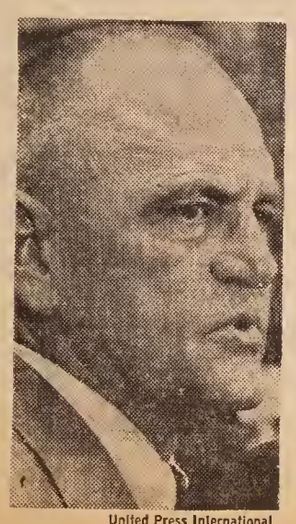
Mr. Gray, who was subpoenaed to appear, was at the Federal courthouse from 10 A.M. to shortly before 5 P.M. The 23-member grand jury met late in the afternoon, coming together about 4:30.

Other developments in the case today included the following:

Elliot L. Richardson, named by President Nixon to be the new Attorney General, has narrowed his search for a special supervising prosecutor in the Watergate case to a list of fewer than a dozen names.

¶Four of the admitted Watergate burglars were granted immunity from prosecution to clear the way for testimony before the Senate Watergate committee, scheduled to begin hearings next week.

¶The state's attorney for Dade County, Fla., said additional break-ins "of substantial



United Press International
L. Patriek Gray 3d

national interest" could be uncovered if Federal agencies would grant immunity from prosecution to Felipe de Diego, who said he took part in the break-in at the office of Dr. Daniel Ellsberg's former psychiatrist along with members of the Watergate burglary team.

¶Attorney General Richard G. Kleindienst said he had "no knowledge" of wiretaps allegedly placed on about a dozen telephones of newsmen and Government officials between 1969 and 1971.

¶The Finance Committee to Re-elect the President pleaded not guilty in Federal District Court to a charge that it failed to report the $200,000 campaign contribution made last year by Robert Vesco, the financier.

¶Lawyers for the Senate's Watergate committee and lawyers for Common Cause, the citizen's lobbying group, asked the Federal District Court to let them see confidential documents locked in a suburban safe deposit box by John W. Dean 3d, President Nixon's former councel.

Mr. Gray's appearance before the grand jury may have been his second. There were reports last week of a special secretive midnight session of the grand jury at the courthouse on John Marshall Square. At the time it was unknown whether Mr. Gray or the former White House chief of staff, H. R. Haldeman, had testified.

Mr. Gray has admitted destroying papers taken from the Executive Office Building safe of E. Howard Hunt Jr., oen of the men who pleaded guilty in the Watergate trial.

After the destruction of the documents became known, Mr. Gray resigned as acting director of the F.B.I. Mr. Dean has said the files contained fake State Department cables linking the Kennedy Administration with the assassination of President Ngo Dinh Diem of South Vietnam in 1963.

In the search for an outside supervising prosecutor to manage the Watergate investigation, the president of the American Bar Association, Robert W. Meserve, and the president of the American College of Trial Lawyers, William H. Morrison. were both called this morning by Mr. Richardson.

Both said they ahd been asked for their comments on a list of names but neither would disclose the names, saying only that there were fewer than a dozen.

Mr. Morrison said that he knew "several" of the men on the list and spoke highly of them. He said that "many of them, so far as I could tell, would be very satisfactory."

He said that he had promised to "check out" persons on the list and to report to Mr. Richardson over the weekend.

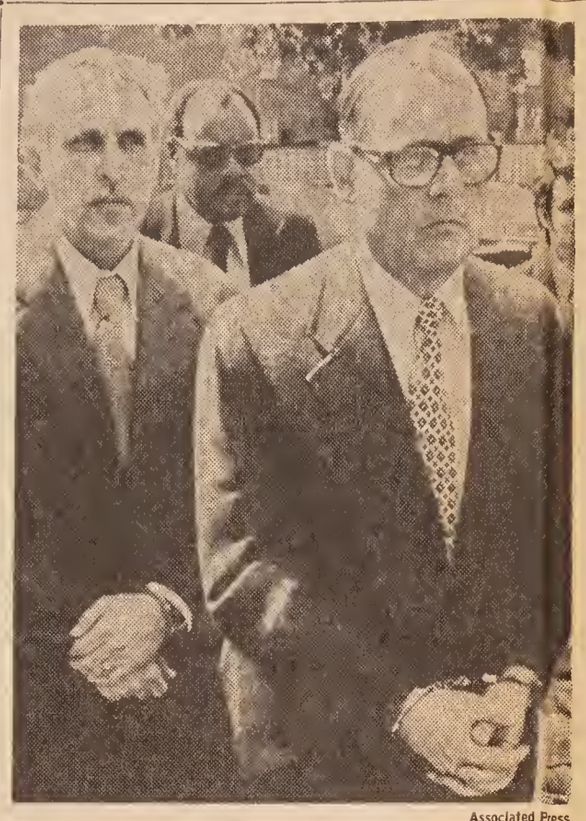
In clearing the way for the Senate hearings next week, Chief Judge John J. Sirica of the United States District Court here approved requests for immunity from prosecution growing from any self-incriminating statements made before the committee by four of the convicted Watergate burglars. Such grants only protect the men testifying from having their words spoken before Congress used against them in a further criminal action.

Those granted immunity today included Bernard L. Barker, Eugenio R. Martinez, Frank A. Sturgis and Virgilio R. Gonzalez

In Miami, Richard E. Gerstein, the Dade County state attorney said his office and an assistant district attorney from Los Angelles spoke again today to Mr. De Diego, who the state attorney said, would not talk about other possible burglaries caried out by the Watergate team unless he was given a grant of immunity by the Federal prosecutors.



Associated Press
Leonard I. Weinglass, defense attorney in Pentagon papers case, before the dismissal yesterday.



Associated Press
Eugenio R. Martinez, left, and Bernard L. Barker, who were convicted in the Watergate bugging, being taken, handeuffed, to see Senate investigators yesterday.

Vesco Said to Find Case Weak Unless He Testifies

By MARTIN TOLCHIN

Robert L. Vesco, the financier indicted Thursday on charges arising from his $200,000 cash contribution to President Nixon's re-election campaign, believes that the case against his co-defendants, John N. Mitchell and Maurice H. Stans, is perilously weak unless he testifies against them, according to sources close to the case.

Mr. Vesco, who remains out of the country despite a bench warrant for his arrest, continues to seek total immunity and a special proseclutor before he will testify against Mr. Mitchell, the former Attorney General, and Mr. Stans, the former Secretary of Commerce, the sources said.

Bases of Belief

Mr. Vesco feels that without his testimony the case against his co-defendants will probably fail, unless they committed perjury.

The reason, he has said, is that they were not in office when they allegedly got in touch with the Securities and Exchange Commission on Mr. Vesco's behalf.

Mr. Vesco is also said to believe that such contacts are common political practice. He plans to subpeona S.E.C. records to find out hoy many Congressmen and other public officials have made calls to the agency on behalf of their constituents& according to sources close to the case.

In another development, United States Attorney Whitney North Seymour Jr. said yesterday that the investigation that led to Thursday's indictments had been conducted "under conditions of tight security." But Mr. Seymour went on to say that "any inference that this was done because of a lack of confidence in the integrity of other agencies would be extremely unfair."

Mr. Seymour's statement was in response to a report in The New York Post that the Federal Bureau of Investigation and other agencies had been "excluded" from his office's inquiry to prevent "leaks."

"Senior officials in the Criminal Division of the Department of Justice in Washington," Mr. Seymour's statement said, "were kept informed on the general scope and progress of the investigation from the start."

Charges Listed

The indictment names Mr. Mitchell, Mr. Stans, Mr. Vesco and Harry L. Sears, former majority leader of the New Jersey Senate, as defendants. All are charged with conspiracy to defraud the United States and to obstruct justice by "deceit, craft, trickery and dishonest means." In addition, Mr. Mitchell and Mr. Stans are accused of perjury before the grand jury.

Mitchell and Stans Indictments Recall Teapot Dome Charges

WASHINGTON, May 11 (AP) —The indictments of two former members of President Nixon's Cabinet are only the third and fourth in United States history for Cabinet members charged in connection with their official or political duties.

The first two resulted from the Teapot Dome scandal in the Administration of Warren G. Harding.

Yesterday, former Attorney General John N. Mitchell and former Commerce Secretary Maurice H. Stans were indicted on charges stemming from a contribution to President Nixon's re-election campaign.

Albert B. Fall, Secretary of the Interior in President Harding's Administration, is the only member of a Cabinet ever indicted, tried and sent to jail. He was sentenced to a year and fined $100,000 after being convicted of accepting a bribe in the Teapot Dome scandal.

Fall engineered the transfer of naval oil reserves to his department and then leased them to two big oil companies. In return, he received almost $400,000 in "loans."

The only other Attorney General ever indicted was Harry M. Daugherty, Fall's colleague in the Harding Cabinet. Daugherty was accused by investigators of knowing about the oil scandals and overlooking them, but he escaped punishment in the incident.

Daugherty later was charged with taking bribes from Prohibition violators and failing to prosecute for graft in the Veterans Bureau. Juries unable to reach verdicts freed him on both counts.

Several other members of President Harding's Cabinet and other Cabinets throughout history have resigned under pressure but escaped criminal prosecution.

Secretary of War William W. Belknap in the Administration of Ulysses S. Grant was impeached but was acquitted on a technicality, after he was accused of accepting bribes from Indian traders. He was not prosecuted in the courts.

Aaron Burr was a former Vice President when he was tried on treason charges in a plot to establish the Louisiana Territory as a new nation with himself as emperor. He was acquitted.

Krogh Agrees to Testify In Ellsberg Case Break-In

LOS ANGELES, May 11 (AP) —Aormer White House aide ordered a break-in at the office of Daniel Ellsberg's psychiatrist has agreed to testify before a county grand jury inparently without the promise of immunity from prosecution, a deputy district attorney says.

Egil Krogh Jr., who resigned Wednesday as Under Secretary of Transportation, agreed yesterday to testify at the grand jury hearings scheduled for June 5 to 8, Deputy District Attorney Richard Hecht said.

Though Mr. Hecht indicated that Mr. Krogh had not been promised immunity, he said he was prepared to offer such protection to E. Howard Hunt, the Watergate conspirator if he testified before the grand jury. Mr. Hescht said that Hunt was "on the verge " of agreeing to testify.

Pentagon Papers Charges Are Dismissed by Court

Continued From Page 1, Col. 8

quickly strode out the door behind his bench.

Tension had been building for two days, since the sudden disclosure by the Government yesterday that telephone conversations of Dr. Ellsberg were picked up by wiretapping in late 1969 and early 1970, and that all recards and logs of those conversations had disappeared from the Federal Bureau of Investigation.

When this morning the Government was still unable to produce either the records or a legal authorization for the taps, it was evident that the case had ended.

The jury was not present when the judge read his decision. It had been sent home until Monday morning.

Before rendering his decision, the judge offered the defendants the opportunity to go to the jury for a verdict. He said that he would withhold his ruling on their motion to dismiss if they wanted. He indicated that if they did decide to go to the jury, he would probably dismiss some of the counts—six for espionage, six for theft and one for conspiracy.

He said that he believed enough of the case was left to litigate before the jury, if the defendants so desired. They did not, and then he read his ruling.

"A judgment of acquittal goes to all the facts," he said, but he added that if he ruled on that defense motion, "it would not dispose of all the issues." That, he said, "can only be done by going to the jury."

He did say, however, that his ruling was based not only on the wiretap disclosures, "or based solely on the break-in" of the office of Dr. Ellsberg's psychiatrist on Sept. 3, 1971, by agents in the employ of the White House.

But Judge Byrne said that "on April 26 the Government made an extraordinary disclosure"—that of the break-in—and that was followed by disclosures that the break-in was done by a "special unit" reporting to the White House.

He said that the special unit "apparently operated with the approval of the F.B.I. and that the C.I.A. also became involved in the prosecution of this case at the "request of the White House."

Ellsberg May Sue Nixon

Dr. Ellsberg and Mr. Russo were jubilant, and members of their families were in tears as the long ordeal, which started with Dr. Ellsberg's arrest on June 25, 1971, ended.

Dr. Ellsberg said that he would file a civil action against former and present high ranking officials of the Government, even perhaps against President Nixon.

"I am convinced by the record of the last couple of weeks, particularly the last couple of days," that the trial should not go on, the judge said.

"Governmental agencies have taken an unprecedented series of actions against these defendants," he said. He cited the special White House "plumbers" unit, which "apparently operated with the approval of the F.B.I."

"We may have been given only a glimpse of what this special unit did," the judge said. "The latest series of actions compound a record already prevaded by instances which threatened the defendants' rights to a fair trial."

"It was of greatest significance," he said, that the wiretap occurred durin gthe period of conspiracy.

"Continued Government investigation is no solution," he added, "because delays tend to compromise the defendants' rights."

Would Do It Again

Dr. Ellsberg was asked if he was disappointed that the case had not gone to the jury, and he replied, "I think that an American jury would have come to a judgment that is good for this country."

"Tony and I think we know we did something right," he added.

He was asked if he would disclose the Pentagon papers again, and he answered, "I would do it tomorrow, if I could do it."

Leonard B. Boudin, a defense attorney, said:

"I think that the court's ruling was appropriate, necessary, eloquent justified and dispositive. The judgment was made not on the narrow issue of wiretapping, but on the totality of Government misconduct."

Dr. Ellsberg then added that "the tril isn't over until that bombing is over in Cambodia."

"Don't we have the right not to be tried under Nazi law," he asked. "This Administration has been very straight about where it is. It is up to us to tell them what t means to be an american.

"If facts prove to be what they appear to be, the President has lead a conspiracy, not only against Tony and me, but against the American public."

'Impeach Nixon' Banner Costs College $1-Million

PASADENA, Calif., May 11 (UPI)—The California Institute of Technology is going to lose $1-million, an oil man says, because students hung an "impeach Nixon" banner on the school library.

"That picture is going to cost $1-million," Ross McCollum said yesterday after seeing a picture of the banner in a newspaper.

Mr. McCollum had planned to give Cal Tech the $1-million.

In an open letter to the students, Mr. McCollum said, "I would be just a damn fool to contribute my money to the kind of institution that can't control its students. There are other places 1 can put my money."

Nixon Praised by Packard; Turndown Linked to Stock

PALO ALTO, Calif., May 11 (UPI)—David Packard, who declined the post of Secretary of Defense for personal reasons, said yesterday he had "complete confidence" in President Nixon.

In declining the job, Mr. Packard said the personal reasons for turning down the post included difficulties arising from his stock holdings in his company, Hewlett-Packard.

It was reported in Washington that Mr. Packard wanted to protect his interests in the big electronics concern. During his earlier service as Deputy Defense Secretary, Mr. Packard was required to put his stock into a trust. When he returned to California, profits earned by the stock during his absence amounted to nearly $30-million and were given to charities.

Wedding in San Francisco Contains a Touch of China

SAN FRANCISCO (AP) — Judge Harry Low recently performed a wedding where all the principals were born in China—Victor Rykoff, a policeman, his bride, Valerie Hunt, and maid of honor, Natalie Sutton.

"I feel like a foreigner," said Judge Low. The judge, the only Chinese present, was born in Stanislaus County, Calif.

ABORTIONS CURB IS CALLED FUTILE

Hartford Legislator Cites Constitutional Limits

HARTFORD, May 11 (UPI) —The task of drafting a constitutional abortion law for Connecticut may be fruitless, and no bill may be placed on the Legislature's public health and safety committee, according to a key lawmaker.

The House chairman of the committee, Representative Virginia M. Connolly, Republican of Simsbury, said yesterday she had already been advised by legislative counsel that the latest bill drafted by lawmakers might be unconstitutional.

Since the committee never promised to report out a bill for consideration by lawmakers, Mrs. Connolly said she believed that it might be wiser for the State Health Department to regulate abortions. Regulations have already been prepared, she said.

Provisions of Bill

The latest bill the committee has ordered drafted would permit abortions by a licensed medical practioner during the first three months of a pregnancy. During the second trimester of pregnancy, abortions would be allowed in approved medical facilities.

In the last three months of a pregnancy abortions would be banned, except "to preserve the life of the pregnant woman," with the operation performed in a state-approved hospital or facility.

The bill is the committee's latest attempt to conform to a United States Supreme Court ruling permitting abortions.

Connecticut's original strict abortion law was invalidated by a federal court, as was a second attempt to severely restrict abortions in the state.

The Connecticut Catholic Conference, representing the three Roman Catholic dioceses of the state, said it opposed the bill. No bill permitting abortions on demands should be drafted, the conference said, adding: "rather, the conference would like to see the General Assembly authorize a legislative inquiry as to when human life begins."

'Conseienee Clause'

The new bill includes a "conscience clause" permitting persons who want to have nothing to do with abortions to refuse to participate in them.

"No person or medical facility shall be denied, or discriminated against with respect to, any state grant, loan or other form of state financial assistance because of refusal to perform, assist in, arrange or facilitate an abortion or because of a stated policy to refuse to so perform, assist, arrange or facilitate an abortion at any time in the future," the bill states.

The conference "adamantly condemned" any attempt on the part of lawmakers to include the "conscience clause" in the bill or a prohibition against fetel experimentation in legislation that "authorizes the taking of unborn human life."

The bill, as written would prohibit "fetal experimentation without the consent of the mother."

The conference said, it could support separate bills to prohibit fetal experimentation and to protect individuals and health-care facilities that cannot take part in abortions.



Associated Press
Mrs. Daniel Ellsberg laughing at a remark her husband made to newsmen outside court in Los Angeles yesterday after the dismissal of the Pentagon papers case.

Text of Ellsberg Wiretap Memo

LOS ANGELES, May 11 (AP)—Following is the text of a memorandum regarding missing records of a wiretap on Daniel Ellsberg's phone conversations that was submitted to the Pentagon papers trial yesterday by Henry E. Peterson, Assistant Attorney General:

The attached are answers provided by the Federal Bureau of Investigation to the questions put to the Government by the court today.

Q. How many interceptions of Ellsberg were there in 1969 and 1970?

A. We do not know the answer to this question because as yet we have not been able to locate the records.

Q. How long was surveillance of Halperin's residence?

A. The surveillance occurred between the spring of 1969 and June of 1971 as best we can determine. We do not know for what period of time within that span the surveillance was active.

Records Not Found

Q. What was the nature of the surveillance? Example, was it court authorized. Authorized by the A.G., etc.

A. Testimonial evidence indicates that surveillances were authorized by the Attorney General in accordance with national security procedures. The records, however, have not been found.

Q. Is it still correct that there are no records of the surveillance?

A. As of this date we have been unable to locate the records.

Q. Why, when the indexes were run for Halperin during the period specified for his consultancy, was his name not discovered as having been the subject of surveillance?

A. The period for Halperin's consultancy was from November, 1971, to the present. The court directed us to search the F.B.I. records for surveillance during this period. There was no surveillance nor overhearings of Morton Halperin during this time frame.

Record-Keeping Process

Q. The judge wants full report on the results of the Ruckelshaus investigation into wiretapping on the Ellsberg case.

A. Our investigation indicates no wiretapping interceptions by the F.B.I. relating to the Pentagon papers investigation, except those already submitted to the court in camera [in chambers] and those were not conducted in connection with the Pentagon papers investigation.

Q. What were the procedures at the time of this surveillance operation? What type of records were kept—tapes, logs, records, etc.

A. Telephonic interceptions were tape recorded and logs were transcribed from the tapes—summaries of the logs were prepared and tapes were erased.

Q. Why is there no record in the F.B.I.'s office or the Department of Justice of these supposed overhearings?

A. One of the purposes of the present investigation under way is to determine the reason for the disappearance of these F.B.I. and Department of Justice records and the disposition thereof. Key interviews are currently being conducted, the results of which are expected to be obtained shortly. Our investigation shows records had been mantained, however, these records are now missing and have been since approximately July-October, 1971.

Q. The court wants to check for any electronic surveillance of Halperin back to Jan. 1, 1967. If there are no logs or records, why not?

A. We are checking our records back to 1967 and we will furnish the information as soon as it is available.

Q. If there were logs and records and they're gone, why and where are they?

A. See previous answer No. 8.

Connally to Take Leave and Resign From Boards

Continued From Page 1, Col. 5

ence to his personal financial holdings, but there was no controversy about this when he was Secretary of the Treasury.

President Nixon announced at a Cabinet meeting yesterday that Mr. Connally would serve as a special adviser to the President, working perhaps three days a week out of an office in the Executive Office Building. He is expected to advise the President on reshaping of the Government and on other matters, foreign and domestic.

Conflict-of-Interest Issue

Ronald L. Ziegler, White House press secretary, said after the Cabinet meeting that Mr. Connally would continue in his law firm and on corporate boards while he served the President. Asked if this constituted a conflict of interest, Mr. Ziegler said he was sure the President and Mr. Connally would not let that happen.

This morning, Gerald L. Warren, deputy press secretary, said he was sure the President and Mr. Connally would take "great care to avoid any conflict of interest." He said this in response to questions about the disclosure that the Connally law firm—Vinson, Elkins, Searls, Connally and Smith—represented Gulf Resources.

Gulf Resources and its president, Robert H. Allen, are under investigation by a grand jury in Houston that is looking into a $100,000 contribution to last year's Republican Presidential campaign.

Most of the money, routed through Mexico City, wound up in the secret cash fund held by Maurice H. Stans, finance chairman for the Nixon campaign, and at least part of it was used to pay for the burglary of Democratic headquarters in the Watergate building. Mr. Allen and Gulf Resources have denied that the funds were intended as a political gift.

The Connally firm represents a wide range of corporate interests. It has more than 150 lawyers and is one of the largest firms in Houston.

Member of Corpoarte Boards

Since resigning as Secretary of the Treasury in June of last year, Mr. Connally became a member of a number of corporate boards. One was Pan American World Airways. In response to questions, Mr. Warren said he was sure the President and Mr. Connally would not discuss Pan Am's requests for overseas airline routes.

Mr. Connally's action today in temporarily removing himself without pay from commercial interests was taken as an indication that he will be at the White House only a short time. The President was said to be looking to him primarily for advice in restructuring the White House staff and other agencies in wake of the Watergate scandals.

The conservative Texas is widely regarded as a contender for the Republican Presidential nomination in 1976. A longtime Democrat, he switched to the Republican party a few days ago.

As expected, his new association with President Nixon was less than favorably received with Republicans who are supporting Vice President Agnew for President in 1976.

Victor Gold, former press secretary to Mr. Agnew, said today that Mr. Connally was placing his hopes for 1976 "on the coattails of the man in the Oval Office."

"The gentleman from Texas is an astute political observer," he said, "but the taint of the Watergate is more likely to yield to strong detergent than smooth oil," a reference to Mr. Connally's connection with Texas oil interests.

Florida Man Pleads Guilty on Letter in Campaign

TAMPA, Fla., Oay 11 (AP)— An accountant pleaded guilty here today to charges of distributing during the Florida Presidential campaign a phony letter charging two Presidential candidates with sexual misconduct.

George Hearing, the accountant, and Donald Segretti, a Los Angeles lawyer, and Nixon campaign figure, were accused in a two-count Federal indictment last Friday in Orlando of publishing and distributing a letter printed on the campaign letterhead of Senator Edmund S. Muskie of Maine and with conspiracy to distribute it.

The bogus letter accused two of Mr. Muskie's Democratic rivals, Senators Henry M. Jackson of Washington and Hubert .H Humphrey of Minnesot of sexual misconduct.

United States District Court Judge Ben Krentman said the plea by Hearing was part of a bargain worked out with the prosecution and that he would rule June 15 on whether to accept it after receiving a presentence report.

In the meantime, Judge Krentzman told Hearing to enter a plea of not guilty to the conspiracy count, saying the prosecution was prepared to dismiss that count in return for the guilty plea on the first count.

Mr. Segretti, 28 years old, is scheduled to be arraigned in Tampa May 17.

Hearing, 40, of Tampa, was accompanied by his attorney, Ralph Rousseua.

"He sincerely regrets his part in this affair," Mr. Rousseau said after the brief court proceedings.

"In pleading guilty to this one count he is motivated solely to cooperate with the Government and help them clear up any loose ends that they might feel still exist."

Mr. Rousseau emphasized that Hearing did not know, nor had ever talked with Mr. Segretti.

Hearing faces a maximum sentence of one year and a $1,000 fine.

Watergate Is Seen Restoring the Balance of Power

Continued From Page 1, Col. 7

increasingly persuaded that the legislative branch is "waking up to the realities of life."

One index of the change is the relative silence of the White House. Mr. Nixon held a reception a month ago to honor House and Senate members who voted to sustain two vetoes of spending measures and and the President was said, after the first veto victory, to be "doing nip-ups." Yesterday, hours after the House rejected the Administration rationale for the Cambodian bombing, the President's spokesmen said that they had no comment.

In a clear warningg to the White House, Senator Mansfield said that the Senate would follow up the House vote on Cambodia probably next week, and that it would move swiftly to consider an outright ban on American involvement in Cambodia.

Before the House vote, the Administration had said that the refusal to allow transfer of $430-million of defense funds would not, by itself, halt the bombing.

But Mr Mansfield, who is normally among the most taciturn of political leaders, said, If the will of the Congress and the int'ention of the Congress —thme representatives of the people — are not adhered to, then we will face a true constitutional crisis. One thing this country sannot afford at this time is a constitutional crisis."

'There's Been a Change'

The Senate Democratic leader said that "There's been a change" in the relationship between Congress and the White House. Asked if the Watergate case had been responsible, he smiled, sucked on his pipe and attributed the change to "circumstances."

Others in Congress are less reluctant to state the situation more blandly. Senator J. W. Fulbright of Arkansas, the Democratid chairman of the Foreign Relations Committee told a television interviewer last night that "Watergate is the bursting of the boil" of Presidential power.

Representative John B. Anderson of Illinois, the chairman of the House Republican Conference, said in a telephone interview this afternoon that Watergate had, if anything, made it more difficult for him to vote against the White House on the bombing issue.

Mr. Anderson said that other Republicans had asked him if he was willing to "kick the President when he's down," but that he had replied, "this is anot a question of loyalty to the President. It's a question of loyalty to the Constitution."

Some House Republican leaders reportedly implored party members, at a caucus on Wednesday, to line up behind the White House opposition to the Cambodian amendment so that the vote "won't be taken as lack of confidence in the President over Watergate."

But the issue was cast almost that way by Representative John J. Rhodes of Arizona, the chairman of the House Republican policy committee. In the floor debate over the bombing issue, he pleaded for "a six-weeks vote of confidence" in the President's Indochina policy. But the House denied it.

One Congressional observer saw in the bombing vote a victory for the Democratic majority in Congress. The antibombing majority contained 35 Republicans, 9 more than could be counted on in previous antiwar votes.

But, perhaps more significant, there were 184 Democrats against the White House policy yesterday — 44 more than had normally taken such a stand. They included all but two of the 28 first-term House Democrats and, for the first time, most of the old-line party leaders, including the Speaker of the House, Carl Albert of Oklahoma.

Southerners Shift

Some of the Southern Democrats who had steadfastly endorsed White House policies in Indochina rose to declare that they had had enough.

"I felt an obligation to stand beside American fighting men committed in combat," said one of them, Representative John R. Rarick of Louisiana. "There are no longer any American men in Cambodia. And I for one, shall not vote for any blank check legislation that would risk the possibility of United States men being used in a military bild-up for a political chess matc

Much more frequent among opponents of the bombing, including Democrats and Republicans who had been Vietnam war hawks, was a declared desire to reassert Congressional authority over the making of wars.

"This is the once chance, an excellent chance, for Congress to assert itself," said Representative William J. Randall, a Missouri Democrat. "If we do not do it now, we had just as well disband."

Representative Ellwood Hillis, Republican of Indiana, recalled that he had been proud to attend a "peace with honor reception at the White House."

But he added that he could see "nothing but tragedy" resulting from continued United States participation in the conflict in Cambodia and thus, "I must part ranks with the Administration on military activities in Southeast Asia for the first time."

Watergate the Factor

The antibombing vote was attributable as much to what members described as a desire to get out of Indochina. But one antiwar lobbyist said after the vote that it would never have been a majority view had it not been for Watergate.

"The sad thing," he said, "is that it came out of Nixon's weakness instead of Congressional strength. But maybe this will be a watershed. Nixon is essentially crippled for three more years."

Representative Anderson said that Mr. Nixon "undoubtedly is in a poorer position" because of the conspiracy case, "and there will be a political price to be paid."

On spending legislation and other domestic issues, the third-ranking House Republican leader said, "The Democrats no doubt will see some merit in 'taking the President down a pag or two.' There will be erosion of Presidential power."

Mitchell Takes Leave From His Law Office

Former Attorney General John N. Mitchell said yesterday that he had taken a leave of absence from his law firm, Mudge, Rose, Guthrie, Alexander & Mitchell. He was indicted Thursday by a Federal grand jury on charges of conspiracy to obstruct justice and defraud the United States. He was also charged with perjury before the grand jury.

Mr. Mitchell did not mention the indictment, which also included as defendants former Commerce Secretary Maurice H. Stans, Robert L. Vesco, the New Jersey financier and Harry L. Sears, former majority leader of the New Jersey Senate. A brief statement released by his office said:

"John N. Mitchell stated that he had taken a leave of absence from Mudge, Rose, Guthrie, Alexander & Mitchell in order to devote his time and attention to his personal affairs and that, at his request, his name has been withdrawn from the firm name."

Nixon Hails Mothers Day

WASHINGTON, May 11 (AP) —President Nixon today officially designated this Sunday as Mothers Day. He said in a statement that this year particularly "we honor the mothers and wives of those who served in Vietnam."

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